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6 **WILLIAM LUKOV**

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 **WILLIAM LUKOV**

11 Plaintiff,

12 v.

13 **SCHINDLER ELEVATOR CORPORATION,**

14 Defendant.
15

Case No. CV 11-00201 EJD

16 **STIPULATION AND [PROPOSED]**
17 **ORDER TO MODIFY THE SELECTION**
18 **OF ADR PROCESS**

19 The parties to the captioned action hereby jointly submit this Stipulation and
20 [Proposed] Order to Modify the Order Selecting ADR Process.

21 WHEREAS, on November 4, 2011, the parties stipulated to and Plaintiff filed a
22 Stipulation and Proposed Order selecting ADR Process ("ADR Order") selecting and
23 proposing Early Neutral Evaluation as an agreed method of ADR.

24 WHEREAS, this Court signed the ADR Order on November 7, 2011, ordering ADR to
be completed by a requested deadline of December 31, 2011.

25 WHEREAS, the Court notified the Parties on November 10, 2011, that David
26 Alexander had been appointed as the ENE Evaluator pursuant to the ADR Order.

27 WHEREAS, the Court has ordered the parties to appear for a Case management
28 Conference on January 20, 2012.

1 WHEREAS, the parties held a joint pre-hearing teleconference with Mr. Alexander on
2 November 30, 2011, at which it was agreed that mediation, followed by a neutral evaluation if
3 requested, would be a more productive form of ADR in this case. The parties further agreed to
4 retain Mr. Alexander's services for court referred mediation;

5 WHEREAS, the parties and Mr. Alexander understand that a new order is required by
6 this Court, modifying the previous ADR Order by referring this case to mediation and re-
7 appoint Mr. Alexander as the mediator pursuant to ADR L.R. 6;

8 Accordingly, the parties hereby stipulate to the following, and request that this Court
9 issue an Order providing for the following modifications to the ADR Order:

10 This case is no longer referred to Early Neutral Evaluation pursuant to ADR L.R. 5 and
11 is now, instead, referred to mediation pursuant to ADR L.R. 6;

12 David Alexander, who was previously appointed as the ENE neutral in this matter, is
13 re-appointed as the mediator in this matter;

14 The mediation shall be complete by January 17, 2012.

15
16 **IT IS SO STIPULATED.**


17 DATED: December 2, 2011

LAW OFFICES OF ALAN ADELMAN

18
19 By: /S/
ALAN ADELMAN
Attorney for Plaintiff

20
21 DATED: December 2, 2011

SEDGWICK LLP

22
23 By: 
MARC A. KOONIN
Attorneys for Defendant

~~50464~~
[PROPOSED] ORDER

Good Cause Appearing, and based on the stipulation of the parties, the Stipulation and Proposed Order Selecting Early Neutral Evaluation shall be modified as follows:

This case is no longer referred to Early Neutral Evaluation pursuant to ADR L.R. 5 and is now, instead, referred to mediation pursuant to ADR L.R. 6;

David Alexander, who was previously appointed as the ENE neutral in this matter, is re-appointed as the mediator in this matter;

The mediation shall be complete by January 17, 2012.

IT IS SO ORDERED.

Dated: December 5, 2011



DISTRICT COURT JUDGE